## REMARKS

Reconsideration of the present application is requested.

The First OA acknowledges Applicants' foreign priority claim and receipt of certified copies of the priority documents.

The Information Disclosure Statement filed October 19, 2005 has been considered.

DRAWING OBJECTIONS

At page 2, the First OA objects to the drawings because "the figure includes unlabeled blocks." Applicants disagree.

Each of the blocks in FIG. 1 is labeled with a reference character either in the block itself or connected to the block via a lead line. These reference characters are discussed in the specification. Therefore, FIG. 1 does not include any "unlabeled blocks." For at least the foregoing reasons, withdrawal of this objection is requested.

CLAIM OBJECTIONS

At page 3, the First OA includes an objection to claims 1 and 18 due minor typographical errors. Applicants have amended claims 1 and 18 taking into account the Examiner's comments. Withdrawal of this objection is requested.

§ 112 REJECTIONS

Claims 2, 5, 9-13, 17 and 19 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite because of various antecedent basis issues. Applicants have amended the claims, where necessary, taking into account the Examiner's comments. Therefore, withdrawal of this rejection is requested.

§ 102 REJECTION

Claims 1-21 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication No. 2002/0165445 ("Uber"). This rejection is respectfully traversed.

Uber is directed to data communication and control for a medical imaging system. In one embodiment, a control unit is adapted to time inject a discrete flow interval of fluid medium based on a visual display and/or a signal resulting from application of imaging energy to a region of a patient. Unidirectional or bi-directional communication and control between devices is enabled through use of a control/communication interface to which each of the devices of the imaging/injection system can be connected.

In Uber, data sent between devices includes information regarding operating parameters, operator input, device status information, and/or control sequencing. The data transferred from one device to another device enables the device receiving the data to be actively controlled based on the received data. For example, during the injecting state, an injection flow rate at an injector can be actively controlled data based on data received from an ultrasound imager.

With regard to a more specific embodiment, FIG. 1 of Uber shows an injection and imaging system 10.

According to paragraph 64, operating and state parameters are provided between components of system 10 via interface 90 (e.g., between injector controller 120 and imaging unit 100). The interface 90 also functions to allow control parameters to be passed between components of the imaging system 10.

As discussed at paragraph 65, typical operating parameters include: "programmed infusion rate, programmed bolus bate, programmed bolus volume, flow rate, total injected volume, volume remaining, bolus ready, infusion ready, bolus running, infusion running, low volume, infusion pending, bolus complete, flow profile rise/fall rates, injection aborted/canceled, error codes as well as internal diagnostic information and injector machine state."

As also discussed at paragraph 65, typical control parameters include: "hold injection, start injection, start scan, stop injection, stop scan, gated operations (Start/Stop) in relation to some patient parameter such as breathing or ECG, reset injector, programming commands, preparation commands, and loading commands."

Contrary to amended claim 1, Uber is silent with regard to "automatically determining, using a termination rule, whether to terminate operation of the other of the computed tomograph and the injector based on an injected quantity of contrast agent at the time of the malfunction" wherein "the malfunction [is] caused by failure of the injector." Uber does discuss transmission of information regarding operating parameters, operator input, device status information, and/or control sequencing between devices, and the use of this information to enable active control of devices. But, Uber does not disclose or fairly suggest any automatic determination of whether to terminate operation of an other of a computed tomograph and an injector "based on an injected quantity of contrast agent at the time of the malfunction," wherein "the malfunction [is] caused by failure of the injector" as required to meet the limitations of claim 1.

Because Uber fails to disclose or fairly suggest at least the above recited feature, the reference cannot be said to anticipate claim 1, or its associated dependent

claims. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 10, 18 and all claims dependent therefrom, are not anticipated by Uber for at least reasons somewhat similar to those set forth above with regard to claim 1.

Withdrawal of this rejection is requested.

## CONCLUSION

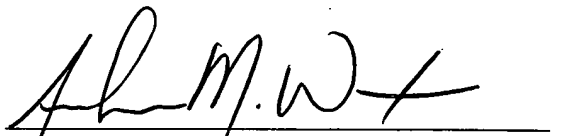
In view of the above remarks and amendments, Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By 

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